

### **REMARKS**

In the present communication, Claims 59, 64, and 66 have been amended, and Claim 67 has been cancelled. As such, Claims 59-66 and 68 are currently pending. The Examiner's objections and rejections are as follows:

I. The Examiner rejected Claims 59, 60, 62, 64, and 65 under the judicially created doctrine of obviousness-type double patenting over Claims 1-4 of U.S. Pat. 6,663,864 in view of Eigler et al. and Woolley and Landon;

II. The Examiner rejected Claims 59-65 under the judicially created doctrine of obviousness-type double patenting over Claims 1-19 of U.S. Pat. 6,395,273 in view of Eigler et al. and Woolley and Landon;

III. The Examiner rejected Claims 66-68 under 35 U.S.C. 103(a) as allegedly obvious over Woolley and Landon, in view of Otto et al.;

IV. The Examiner rejected Claim 59 under 35 U.S.C. 112, second paragraph, as allegedly indefinite; and

V. The Examiner objected to Claims 59 and 64 for various alleged informalities.

#### **I-II. Obviousness-Type Double Patenting Rejection**

The Examiner rejected Claims 59, 60, 62, 64, and 65 under the judicially created doctrine of obviousness-type double patenting over Claims 1-4 of U.S. Pat. 6,663,864 in view of Eigler et al. and Woolley and Landon. The Examiner also rejected Claims 59-65 under the judicially created doctrine of obviousness-type double patenting over Claims 1-19 of U.S. Pat. 6,395,273 in view of Eigler et al. and Woolley and Landon. Applicants disagree with these rejections. Nonetheless, Applicants have filed herewith a terminal disclaimer over both U.S. Pat. 6,663,864 and U.S. Pat. 6,395,273. As such, these rejections should be withdrawn.

#### **III. Obviousness Rejection**

The Examiner rejected Claims 66-68 under 35 U.S.C. 103(a) as allegedly obvious over Woolley and Landon, in view of Otto et al. Applicants disagree with this rejection and submit

that the Examiner has mischaracterized the Woolley and Landon reference. The Examiner asserts that the Woolley and Landon reference teaches "purifying the antibodies from the egg yolk comprising using PEG 6000," citing page 255 of the reference. (Office Action, page 6). Applicants submit that the Woolley and Landon reference does not teach purifying antibodies from egg yolk using polyethylene glycol (PEG) as recited in Claim 67. In Woolley and Landon, PEG is used to perform the "Radioimmunoassays" in section 2.6 - not for antibody purification (see page 255). In this reference, antibody purification from egg yolks is described in section 2.8 "Preparation of egg yolk IgY," which is on page 256. This section describes how antibody is purified using sodium chloride, dextran sulphate, and calcium chloride. This section does not indicate that PEG was used for purification from the egg yolks. As such, Applicants submit that the Examiner has mischaracterized this reference. Applicants further submit that the use of PEG for antibody purification from egg yolks is not taught by Woolley and Landon, nor Otto et al., and therefore no *prima facie* case of obviousness has been established for Claim 67.

To further prosecution, without acquiescing to the Examiner's rejection, Applicants have amended independent Claim 66 (and cancelled Claim 67) such that it recites the use of polyethylene glycol. As such, Claims 66 and 68 should be allowed as the combination of Woolley and Landon and Otto et al. do not teach purifying anti-TNF antibodies from egg yolks using polyethylene glycol.

#### **IV. Indefiniteness Rejection**

The Examiner rejected Claim 59 under 35 U.S.C. 112, second paragraph, as allegedly indefinite. In particular, the Examiner asserts that:

... the steps set forth that delineate the method are not complete. There is no measurement step, and there is no step for the comparison of any results to a control. Thus, Claim 59 is indefinite in recitation as a method because the method does not clearly set forth method steps and there is an absence of a resolution step. (Office Action, page 7).

Applicants disagree with this rejection and submit that the claim is definite as written. Nonetheless, for business purposes and to further the prosecution of the present application, without acquiescing to the Examiner's rejection, and while reserving the right to prosecute the original claim in the future, Applicants have amended Claim 59. In particular, Claim 59 has been

amended to recite "under conditions such that at least one of said symptoms is reduced." Support for this amendment is found throughout the specification, including, for example, page 4, lines 5-8, which provides the following definition:

The phrase "wherein said symptoms are reduced" refers to a qualitative or quantitative reduction in detectable symptoms, including but not limited to a detectable impact on the rate of recovery from disease (e.g. rate of weight gain).

In light of this amendment, Applicants submit that the Examiner's rejection should be withdrawn.

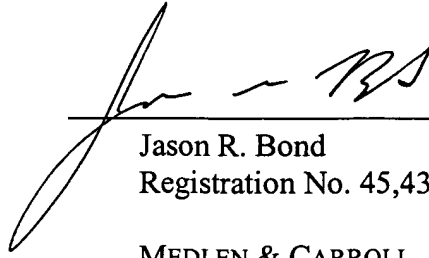
**V. Claim Objections**

The Examiner objected to Claims 59 and 64 for various alleged informalities. In particular, the Examiner objected to the use of semicolons in Claim 59 and the lack of a period in Claim 64. These typographical type errors have been corrected by amendments to the claims.

**CONCLUSION**

The Applicants believe that the arguments and claim amendments set forth above traverse the Examiner's rejections and, therefore, request that all grounds for rejection be withdrawn for the reasons set above. Should the Examiner believe that a telephone interview would aid in the prosecution of this application, the Applicants encourage the Examiner to call the undersigned collect at 608-218-6900.

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